

Sentence Review Division
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SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

AUG 14 2020

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-17-962
)	
Plaintiff,)	Yellowstone County District Court
)	Montana Thirteenth Judicial District
-vs-)	
)	DECISION
JOHN WILLIAM LUCERO, JR.,)	
)	
Defendant.)	

On January 27, 2020, the Court revoked the Defendant's deferred sentence for violation of the terms and conditions and sentenced him to a commitment to the Department of Corrections for a term of five (5) years, for the offense of Count I: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA. The Sentence was ordered to run concurrently with DC-18-1465 and DC-19-205. The Court recommended the Defendant be screened for any and all treatment programs and upon acceptance, follow all requirements and provisions. If not accepted, Defendant will be placed at a Department of Corrections facility at the discretion of the department. The Defendant was given credit for pre-trial incarceration/detention time served as follows: February 25, 2019 through March 4, 2019, and December 23, 2019 through January 28, 2020.

On August 7, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video from Billings, Montana, and was represented by Abigail Rogers, Defense Counsel, who appeared by video from Missoula, Montana. The State was not represented. The Defendant gave a statement.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant

acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 7th day of August, 2020.

DATED this 14th day of August, 2020.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson



Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 14th day of August, 2020, to:

Clerk of District Court – *via email*
John William Lucero, Jr. #46819, Defendant
Hon. Michael G. Moses – *via email*
Abigail Rogers, Defense Counsel – *via email*
State Office of the Public Defender – *via email*
Ingrid Rosenquist, Esq. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division